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In re Application of :
Ussery, et al. : LETTER REGARDING PTA
Application No. 09/694,425 :
Filed: October 23, 2000 :
Atty. Dkt. No.: OFFW01-00008 :

This letter is in response to the "GOOD FAITH AND CANDOR LETTER REGARDING PATENT TERM ADJUSTMENT," filed April 23, 2008. The Office thanks applicants for their good faith and candor in bringing this to our attention.

The Determination of Patent Term Adjustment mailed January 23, 2008 indicated that the above-identified application was entitled to a patent term adjustment ("PTA") of 813 days. Applicants indicate that this adjustment appears to be excessive in that the application was incorrectly awarded an adjustment of 90 days in connection with the Board decision mailed February 10, 2006 and 33 days in connection with mailing of the non-final Office action July 13, 2006.

The correct Patent Term Adjustment ("PTA") at the time of the allowance is 690 days.

The application was properly accorded an adjustment of 543 days in accordance with 37 CFR 1.702(a)(1).

As acknowledged by applicants, the application is not subject to adjustment in connection with the mailing of the Board decision on February 10, 2006 or the mailing of the non-final Office action on July 13, 2006.

Accordingly, at the time of allowance, the application is entitled to an adjustment of 690 days (adjustments totalling 737 days less reductions totalling 47 days).

As applicants are advising us of a potential error in providing too much patent term adjustment in this application, no fee is due in connection with this matter.

The patent term adjustment indicated in the patent will include any additional patent term accrued pursuant to §§ 1.702(a)(4) and 1.702(b).

This application is being forward to the Office of Data Management for issuance of the patent.

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3205.

A handwritten signature in cursive script, appearing to read "A. Brown".

Alesia M. Brown
Petitions Attorney
Office of Petitions

Enclosure: Copy of Adjustment PAIR Calculation

Day : Thursday
Date : 6/18/2009

Time: 16:36:37

PALM INTRANET**PTA Calculations for Application: 09/694425**

Application Filing Date:	10/23/2000	PTO Delay (PTO):	860
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	47
Post-Issue Petitions:	0	Total PTA (days):	690
PTO Delay Adjustment:	-123		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
102	06/18/2009	ADJUSTMENT OF PTA CALCULATION BY PTO		33	
101	06/18/2009	ADJUSTMENT OF PTA CALCULATION BY PTO		90	
87	01/23/2008	MAIL NOTICE OF ALLOWANCE			
86	01/23/2008	MAIL EXAMINER'S AMENDMENT			
85	01/18/2008	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
84	01/14/2008	ISSUE REVISION COMPLETED			
83	01/14/2008	DOCUMENT VERIFICATION			
82	12/26/2007	EXAMINER'S AMENDMENT COMMUNICATION			
81	12/19/2007	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)			
80	12/26/2007	NOTICE OF ALLOWABILITY			
77	10/18/2007	DATE FORWARDED TO EXAMINER			
76	10/03/2007	RESPONSE AFTER NON-FINAL ACTION		5	75
75	06/28/2007	MAIL NON-FINAL REJECTION			
74	06/20/2007	NON-FINAL REJECTION			
71	04/13/2007	DATE FORWARDED TO EXAMINER			
70	04/09/2007	AMENDMENT SUBMITTED/ENTERED WITH FILING OF CPA/RCE			
69	04/13/2007	DATE FORWARDED TO EXAMINER			
68	04/09/2007	REQUEST FOR CONTINUED EXAMINATION (RCE)		4	61
67	04/13/2007	DISPOSAL FOR A RCE/CPA/129 (EXPRESS ABANDONMENT IF CPA)			
66	04/09/2007	WORKFLOW - REQUEST FOR RCE - BEGIN			
65	03/19/2007	MAIL ADVISORY ACTION (PTOL - 303)			
64	03/17/2007	ADVISORY ACTION (PTOL-303)			

63	03/09/2007	DATE FORWARDED TO EXAMINER			
62	03/05/2007	AMENDMENT AFTER FINAL REJECTION			
61	01/05/2007	MAIL FINAL REJECTION (PTOL - 326)			
60	12/30/2006	FINAL REJECTION			
59	10/16/2006	NEW OR ADDITIONAL DRAWING FILED			
58	10/26/2006	DATE FORWARDED TO EXAMINER			
57	10/16/2006	RESPONSE AFTER NON-FINAL ACTION		3	56
56	07/13/2006	MAIL NON-FINAL REJECTION	33		47
55	07/07/2006	NON-FINAL REJECTION			
54	06/08/2006	CASE DOCKETED TO EXAMINER IN GAU			
53	04/21/2006	DATE FORWARDED TO EXAMINER			
52	04/17/2006	AMENDMENT SUBMITTED/ENTERED WITH FILING OF CPA/RCE			
51	04/21/2006	DATE FORWARDED TO EXAMINER			
50	04/17/2006	REQUEST FOR CONTINUED EXAMINATION (RCE)			
49	04/21/2006	DISPOSAL FOR A RCE/CPA/129 (EXPRESS ABANDONMENT IF CPA)			
48	04/17/2006	WORKFLOW - REQUEST FOR RCE - BEGIN			
47	02/10/2006	MAIL BPAI DECISION ON APPEAL - AFFIRMED	90		37
46	02/10/2006	BPAI DECISION - EXAMINER AFFIRMED			
45	10/12/2005	DOCKETING NOTICE MAILED TO APPELLANT			
44	10/12/2005	ASSIGNMENT OF APPEAL NUMBER			
43	09/27/2005	APPEAL AWAITING BPAI DOCKETING			
42	09/21/2005	MAIL REPLY BRIEF NOTED BY EXAMINER			
41	09/21/2005	MAIL REPLY BRIEF NOTED BY EXAMINER			
40	09/16/2005	REPLY BRIEF NOTED BY EXAMINER			
39	09/16/2005	REPLY BRIEF NOTED BY EXAMINER			
38	07/15/2005	DATE FORWARDED TO EXAMINER			
37	07/12/2005	REPLY BRIEF FILED			
36	05/03/2005	MAIL EXAMINER'S ANSWER	194		25
35	05/02/2005	EXAMINER'S ANSWER TO APPEAL BRIEF			
34	04/06/2005	CASE DOCKETED TO EXAMINER IN GAU			
33	04/04/2005	CASE DOCKETED TO EXAMINER IN GAU			
32	04/04/2005	CASE DOCKETED TO EXAMINER IN GAU			
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30	03/10/2005	CASE DOCKETED TO EXAMINER IN GAU			
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27	07/02/2004	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
26	07/02/2004	DATE FORWARDED TO EXAMINER			
25	06/21/2004	APPEAL BRIEF FILED			
24	06/21/2004	REQUEST FOR EXTENSION OF TIME - GRANTED			
23	06/21/2004	REQUEST FOR EXTENSION OF TIME - GRANTED			
22	06/19/2003	REFERENCE CAPTURE ON IDS			
21	10/23/2000	OATH OR DECLARATION FILED (INCLUDING SUPPLEMENTAL)			
20	04/12/2004	CASE DOCKETED TO EXAMINER IN GAU			
19	03/18/2004	NOTICE OF APPEAL FILED			
18	01/13/2004	MAIL FINAL REJECTION (PTOL - 326)			
17	01/12/2004	FINAL REJECTION			
16	11/04/2003	DATE FORWARDED TO EXAMINER			
15	10/24/2003	RESPONSE AFTER NON-FINAL ACTION		35	13
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13	06/19/2003	MAIL NON-FINAL REJECTION	543		-1
12	06/16/2003	NON-FINAL REJECTION			
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10	04/23/2002	CASE DOCKETED TO EXAMINER IN GAU			
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5	02/14/2001	CASE DOCKETED TO EXAMINER IN GAU			
4	12/19/2000	APPLICATION DISPATCHED FROM OIPE			
3	12/11/2000	CORRESPONDENCE ADDRESS CHANGE			
2	11/13/2000	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	10/23/2000	INITIAL EXAM TEAM NN			

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EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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